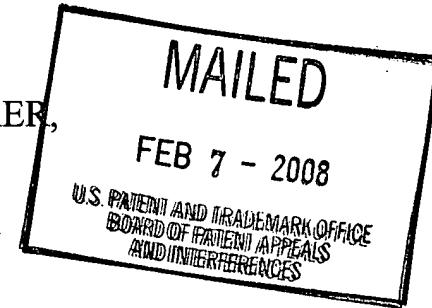


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GREGORY A. BECKER,
DAVID A. KNIGHT,
DAVID E. MEDDERS,
AND MICHAEL ROWAN



Application No. 10/614,347

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 24, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

An Information Disclosure Statement (IDS) was filed on March 9, 2004. A review of the Image File Wrapper reveals that the examiner has not considered the IDS. According to MPEP § 609 which states:

“.... The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.”

On February 21, 2007, appellants filed an Appeal Brief. On page 3, under the heading "Status of claims (37 41.37(c)(1(iii))"

.... (b) Status of All the Claims in Application

- i. Claims withdrawn from consideration: Claims 16-19 and 21-25
- ii. Claims pending: Claims 1-12, 14-15, 20 and 26-32
- iii. Claims rejected: Claims 1-12,14-15, 20 and 26-32

(c) Claims on Appeal

Claims 1-12, 14-15, 20 and 26-32 are being appealed.

In response, an Examiner's Answer was mailed on July 10, 2007. While the Answer notes that "The statement of the status of claims contained in the brief is correct." However, a review of the record reveals that appellants filed an amendment on May 19, 2006, canceling claim13. Clarification of the status of claims 13 is required.

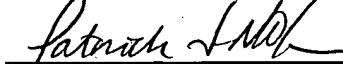
Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for consideration of the IDS;
- 2) for clarification of whether or not claim 13 has been cancelled;
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/dal

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